



Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435) 753-1586

PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type: Rezone

Applicant: William (Bill) Bertolio

Project Description/Location: Rezone request: from Single-Family Traditional (SFT) to Multi-Family High (MFH), for a 0.67 acre parcel of property, Parcel No. 02-098-0044, located generally at 160 South 100 East.

Hearing Date: June 8, 2016

Hearing Time: 6:00 PM

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on the proposed rezone from Single-Family Traditional (SFT) to Multi-Family High (MFH), the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): Saturday, May 28, 2016

Posting Date: May 27, 2016

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website www.providencacity.com
3. Utah Public Notice Website
4. Property Sign: located generally at 160 South 100 East.

PROVIDENCE CITY
Executive Staff Report
Review Date: 05/24/2016

Request: Rezone a 0.67 acre parcel from Single-Family Traditional (SFT) to Multi-Family High (MFH)

Item Type: Rezone	Applicant: William (Bill) Bertolio	Owner: Max & Arlene Thompson Bertolio
Prepared by: S Bankhead	General Plan: SFT	Zone: SFT
Parcel ID #: 02-048-0044 Address: 160 S 100 E (approximate)	Acres: 0.67	Number of Properties: 1
Background Information: <ol style="list-style-type: none">1. The Applicant filed a Land Use Application with Providence City on April 29, 2016; and a letter specifying the requested zone on May 6, 2016.2. Executive Staff reviewed the application on May 10 and 24, 2016.3. There is a duplex located at 150 South 100 East. As per the Cache County Parcel and Zoning View, the duplex was built in 1962.4. Providence City has three multi-family districts: Multi-Family Residential (MFR), Multi-Family Medium (MFM), Multi-Family High (MFH). MFR requires a minimum lot size of 10,000 sq ft and 80 feet minimum lot width (measured at the set back line), 35 ft. maximum height. There are no minimum lot size requirements or lot width, or maximum height requirements specified in the Chart for the MFM and MFH zones. The Maximum units per acre (excluding right-of-way (ROW) and infrastructure) are as follows: MFR – 7.25, MFM – 12, MFH – 18.		

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
3. UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
4. UCA § 10-9a-102 Purposes – General land use authority.
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width

requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

5. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
6. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
7. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
8. Providence City Master Plan Sheet No. 5-B Future Re-Zone of Exiting Districts.
9. Providence City Code 10-8-1 Area Regulations, Space Requirement Chart

CONCLUSIONS OF LAW:

1. The proposed code amendment has been processed consistent with the above Findings of Facts.
2. Executive Staff feels changing the current single-family zone to a multi-family zone is not consistent with the City's master plan.
3. The Executive Staff feels, to be consistent with the City's master plan, the request should be denied. However, if the Planning Commission feels that allowing a multi-family structure would improve the area, the Executive Staff recommends MFR.

CONDITIONS:

1. The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The application will process will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

RECOMMENDATION:

That, prior to making a recommendation to the Providence City Council, the Providence City Planning Commission schedule and hold a public hearing.

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council		
Annexation	Exception to Title	<u>Rezone</u>
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal	Variance	

PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.

Applicant's Name:	<u>William D. Bertolio</u>		
Address:	<u>435 E 125 N Providence, UT</u>		
Phone(s):	<u>435 7576314</u>	Fax:	
		E-Mail:	<u>bill.bertolio@cachevalleyrealty.com</u>

Party Responsible for Payment:	<u>William D. Bertolio</u>		
Billing Address:	<u>174 N. 400E., Providence</u>		
Phone(s):	<u>752-0100</u>	Fax:	
		E-Mail:	<u>David Burton</u>

Property Owner's Name (how it appears on a legal document):	<u>Max + Arlene Thompson Bertolio</u>		
Address:	<u>435 E 125 N Providence UT</u>		
Phone(s):	<u>435 770-7260</u>	Fax:	
		E-Mail:	<u>Arlene's Cell</u>

Architect/Engineer/Surveyor's Name:	<u>Cache landmark engineer</u>		
Address:	<u>1011 West 400 North (Suite 130) Steve Earl</u>		
Phone(s):	<u>435 713 0099</u>	Fax:	<u>713 0055</u>
		E-Mail:	<u>787 1199 Cell</u>

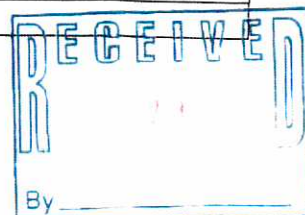
Cache County Property Number(s):	<u>02-098-0044</u>		
Total Acreage:	<u>2.07</u>	Project Name:	<u>David Burton - Multi Family</u>
City Address of Project (if applicable):			

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: William D. Bertolio Date: April 20, 2016
Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:



28 April 2016

To whom it may concern,
I grant permission for the property in the Jack
C. Thompson Family trust, parcel number 02-098-0044
to be re-zoned.

Mal O. Thompson 28 April 2016
Executor
435-563-9497



05/04/2006

Dear Providence City;

To whom this may concern;

David Barton and I have agreed that we would like to include The rezone to be multifamily high Density. Right now Dave would like to build only one 4-plex up seale on the property. However, If property is rezoned as I just requested and If everything works out well, he may request to build a second 4-plex later on.

Thank you very much for
your consideration

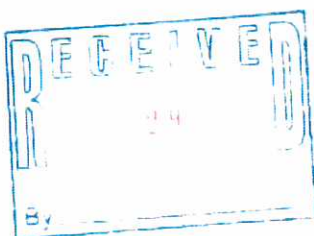
Bill Bertolo, Providence City
resident



Stambridge City

If I am able to acquire the property herein shown and it were rezoned to multi family use, I would build an upscale fourplex on the property. I believe that use of property would be prudent and the best use of the property

Respectfully *David M. Buntan*
David M. Buntan
435-752-0100



pt NE/4 SE/4 Sec 10 Twp 11 North, Range 1 East

02-098

Scale 1" = 50 Feet

TAX UNIT 09

-2-

BLOCK 1 PLAT "A" PROVIDENCE CITY SURVEY

SEE 02-098-1

100 SOUTH STREET

